

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.: 09/659,693

Filing Date: September 11, 2000

Appellant: Sehat Sutardja

Group Art Unit: 2644

Examiner: Andrew C. Flanders

Title: METHOD AND APPARATUS FOR RECORDING AND
REPRODUCING DIGITAL DATA

REPLY BRIEF TO EXAMINER'S ANSWER

Mail Stop Appeal Brief-Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 15, 2007

Sir:

This reply brief is a reply to the Examiner's Answer mailed November 15, 2006, in the appeal from the decision of the Patent Examiner dated February 23, 2006, rejecting claims 1-23, 25, 26, 28-48, 97-112, and 169-172.

STATUS OF THE CLAIMS

Claims 1-23, 25, 26, 28-48, 97-112, and 169-172 are the claims on Appeal. Each of these claims is currently pending in the application.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks the Board's review of the rejection of:

- (a) claims 1-4, 6, 9, 11-13, 15, 18, 22, 23, 28-31, 33, 36, 38-40, 42, 45, 97, 98, 100, 101, 104-107, 109, 110, and 169-172 under 35 U.S.C. § 102(e) as allegedly being anticipated by Birrell (U.S. Patent No. 6,332,175, hereinafter referred to as the Birrell patent);
- (b) claims 7, 16, 34, and 43 under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Birrell patent;
- (c) claims 5, 14, 20, 32, 41, 47, 99, 102, 103, 108, 111, and 112 under 35 U.S.C. § 103(a) over the allegedly combined teachings of the Birrell patent and Gadre (U.S. Patent No. 6,308,253, hereinafter referred to as the Gadre patent);
- (d) claims 8, 17, 25, 35, and 44 under 35 U.S.C. § 103(a) over the allegedly combined teachings of the Birrell patent and Yanagihara (U.S. Patent No. 6,233,393, hereinafter referred to as the Yanagihara patent);
- (e) claims 21 and 48 under 35 U.S.C. § 103(a) over the allegedly combined teachings of the Birrell patent and the Gadre patent, and further in view of the Yanagihara patent; and
- (f) claims 10, 19, 26, 37, and 46 under 35 U.S.C. § 103(a) over the allegedly combined teachings of the Birrell patent and Terui (U.S. Patent No. 5,903,871, hereinafter referred to as the Terui patent).

ARGUMENTS

Independent Claims 1, 11, 22, 28, and 38

Independent claim 1, as noted in Applicant's Appeal Brief filed on August 18, 2006, recites a programmable processor which is programmed both as a storage controller to retrieve compressed media data stored in a storage device, and as a digital signal processor to decompress the compressed media data stored in a memory.

The Examiner alleges that the Birrell patent discloses a programmable processor programmed as both a storage controller and a digital signal processor. More specifically, the Examiner alleges that the CPU 102 "transfers data from disk 104 to RAM 108," and, as such, "exerts control over disk 104." (See Page 23, Lines 17-19 of the Answer). In other words, the Examiner alleges that the CPU 102 is "programmed as a storage controller" because the CPU 102 requests data to be transferred from the disk 104 during the play procedure. Applicant respectfully disagrees and submits that **merely initiating and/or requesting data transfers from a disk is not analogous to performing the functions of a storage controller.**

For example, the Birrell patent explicitly discloses a disk controller 106 that is distinct and separate from the CPU 102. In other words, the Birrell patent explicitly discloses a **CPU 102 and a separate disk controller 106** and fails to disclose that the CPU 102 performs any functions that are typically associated with a storage controller. In contrast, an exemplary embodiment of the programmable processor 300 shown in FIG. 3 of the present application includes a hard disk controller (i.e. a storage controller) 342. In other words, because the programmable processor 300 is also programmed as a storage controller, a **separate storage (i.e. disk) controller is not required.**

The Examiner alleges that Birrell is silent as to what the exact function of the disk controller 106 is, "but is likely that it receives control signals from the CPU to cause the disk to retrieve the data requested by CPU 102" (See Page 23, Lines 22-24 of the Answer). Applicant respectfully notes that, typically, a storage controller such as the disk controller 106 receives communication (e.g. data requests) from a processor and controls an associated storage device accordingly. In other words, the storage

controller **controls** the storage device based on, for example, data transfer requests. Applicant respectfully submits that the CPU 102 clearly relies on the disk controller 106 to function as a storage controller and that if the CPU 102 was programmed as a storage controller, it would be unnecessary to include the separate disk controller 106 in the Birrell patent.

Applicant respectfully submits that claim 1 should be allowable for at least the above reasons. Claims 11, 22, 28, and 38 should be allowable for at least similar reasons.

Dependent Claims 8, 17, 25, 35, and 44

Applicant's dependent claim 8 recites determining a compression format of media data stored in memory, retrieving the process for decompressing compressed data from the storage device (which stores the compressed media data per claim 1) in accordance with the determined compression format, and decompressing the media data in accordance with the retrieved process. In other words, **the process is retrieved from the storage device based on the determined format**. Here, the storage device is the same storage device that stores the compressed media data. More specifically, the process is i) retrieved from the storage device and ii) retrieved in response to the determination of the compression format.

The Examiner admits that the Birrell patent fails to "explicitly disclose wherein said digital signal processor determines a compression format of the media data stored in said memory and retrieving the process in accordance with the determined compression format"¹ and instead relies on the Yanagihara patent to disclose these limitations. In particular, the Examiner states that "the general controller determines the compression such as one of MPEG audio, Dolby AC-3, and Linear PCM and sets a decoder in accordance with the data received."² Applicant respectfully submits that these features are not analogous to the limitations that claim 8 recites, because Yanagihara does not disclose retrieving the process from a storage device, and, in

¹ See page 28, lines 12-14 of the February 23, 2006 Office Action.

² See page 28, lines 18-20 of the February 23, 2006 Office Action.

particular, fails to disclose **retrieving the process from a storage device based on the determined format.**

The Examiner improperly alleges that setting decoder parameters based on received control data is analogous to determining a compression format and retrieving a process based on the determined format. Applicant respectfully notes that the Yanagihara patent receives **the compressed data and the control data concurrently** from a DVD 101. Subsequently, “[t]he general controller section 21 may set a decoder, or a parameter(s) pertaining thereto, in the presentation engine 12 in accordance with the received control data.” (Col. 2, lines 10-13). As such, the Yanagihara patent appears to disclose receiving the control data concurrently with the encoded media data. Assuming arguendo that the control data is the process for decompressing compressed data, the Yanagihara patent does not disclose **retrieving the decompression process in accordance with the determined compression format** (i.e. based on and/or in response to the determined compression format). Instead, the controller section 21 appears to receive the control data automatically when the encoded media data is received.

The Examiner further alleges that the Yanigihara patent was not relied upon to disclose retrieving the decompression process, and that the Birrell patent discloses this feature at Col. 5, Lines 20-25. Applicant respectfully notes that, at best, the Birrell patent discloses retrieving a single decompression process. The Examiner admits that the Birrell patent does not disclose first determining a compression format and then retrieving the process from a storage device in accordance with the determined format. Simply combining the Birrell patent with the teachings of the Yanigihara patent does not disclose this limitation because neither the Birrell patent nor the Yanigihara patent discloses **retrieving the decompression process in accordance with the determined compression format.** Applicant respectfully notes that the Birrell patent discloses retrieving a decompression procedure and the Yanigihara patent discloses automatically receiving control data concurrently with encoded media data.

Applicant respectfully submits that claim 8 should be allowable for at least the above reasons. Claims 17, 25, 35, and 44 should be allowable for at least similar reasons.

Independent Claims 169-172

Independent claim 169 recites that an output device outputs first portions of one of a plurality of selections, and that when a user selects **a particular one of said plurality of selections, said processor retrieves a remaining portion of the particular one of said plurality of selections** and said output device outputs the remaining portion of the particular one of said plurality of selections. In other words, claim 169 is directed to initially transferring a first portion of a particular selection to memory and subsequently retrieving the remaining portion **when the user selects** the particular selection.

As best understood by Applicant, and as the Examiner admits, the Birrell patent explicitly discloses retrieving the remaining portion when an amount of data in RAM (i.e. memory) **falls below a predetermined threshold**. The Examiner notes that this process is previously initiated when a user, for example, adds a song to a playlist. The Examiner alleges that because the overall process of transferring data is initiated by a user, the Birrell patent discloses transferring the remaining portion “when a user selects.” Applicant respectfully disagrees.

Applicant respectfully notes that the term “when” is defined as “at or during which time.” In other words, “when” indicates a particular **time** that an event takes place. As such, the recitation **wherein when a user selects a particular one of said plurality of selections, said processor retrieves a remaining portion** requires that the processor retrieves the remaining portion **at the time that the user makes the selection**. Here, the Examiner admits that in the Birrell patent the user is not directly responsible for the transfer. Instead, the remaining portion is transferred **at some later time** when the system determines that the data in RAM is below the threshold. Applicant respectfully notes that, depending on the size of the RAM and/or the level of the threshold, the system conceivably might not initiate the transfer of the remaining portion for a significant amount of time. As such, Applicant respectfully submits that the Birrell patent fails to disclose transferring the remaining portion **when a user selects** and instead discloses transferring the remaining portion **when the data in RAM falls below the threshold**.

Applicant respectfully submits that claim 169 should be allowable for at least the above reasons. Claims 170-172 should be allowable for at least similar reasons.

Conclusion

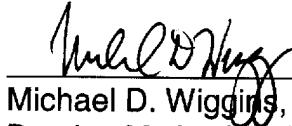
Appellant respectfully submits that the prior art does not teach or suggest one or more limitations of the claims as discussed above.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Damian M. Aquino, Reg. No. 54,964 at the telephone number of the undersigned below.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By:



Michael D. Wiggins, Reg. No. 34,754
Damian M. Aquino, Reg. No. 54,964

MDW/dma

Please address all correspondence to:

**Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive
Suite 200
Troy, MI 48098
Customer No. 26703
Tel. No. (248) 641-1600
Fax. No. (248) 641-0270**